

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 3:14-cr-00025-HDM-VPC

Plaintiff,

v.

ORDER

LAWRENCE KOMINEK,

Defendant.

Before the court is a motion for early termination of supervised release (ECF No. 114) filed by the defendant, Lawrence Kominek ("Kominek"). The government has opposed the motion for early termination of supervised release. (ECF No. 116).

Following a jury trial in September 2014, Kominek was convicted of two counts of distribution of a controlled substance. (ECF No. 9 & No. 49). The court thereafter sentenced Kominek to 151 months on each count, concurrent, followed by a five-year term of supervised release. Fifteen months after commencing his term of supervised release term, Kominek moved for early termination.

At any time after one year of supervised release has expired, and after considering several enumerated 18 U.S.C. § 3553(a) factors, the court may modify or terminate a term of supervised release "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e).

The court has considered the record and the pleadings on file in this matter and concludes that termination of supervised

1 release is not warranted. Although Kominek has made efforts  
2 toward rehabilitation, has been compliant on supervision, and  
3 does not require services from Probation at this time, the  
4 balance of the relevant § 3553(a) factors do not support  
5 termination after serving less than eighteen months on  
6 supervised release. Kominek committed the offenses in this case  
7 while on supervision for other drug trafficking offenses, and  
8 whilst being prosecuted in this case involved himself in a  
9 violent threat against the prosecuting attorney. The nature and  
10 circumstances of the offense and the need to protect the public  
11 from further crimes of the defendant therefore strongly support  
12 continued supervision. Continued supervision is also needed to  
13 deter criminal conduct of others. Finally, although Kominek is  
14 not currently receiving services from Probation, requiring  
15 continued compliance with his supervised release conditions is  
16 appropriate in light of Kominek's history of drug and alcohol  
17 abuse, and will ensure that any treatment needs that may arise  
18 are addressed expeditiously.

19 Accordingly, IT IS THEREFORE ORDERED that Kominek's motion  
20 for early termination of supervised release (ECF No. 114) is  
21 hereby DENIED.

22 IT IS SO ORDERED.

23 DATED: This 6th day of June, 2024.

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UNITED STATES DISTRICT JUDGE  
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